



ADMINISTRATION AND  
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE  
1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

AUG 8 2011

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR POLICY

SUBJECT: Defense Policy Board – Membership Balance Plan and Charter Renewal Approval

The membership balance plan and the renewed charter for the Defense Policy Board (hereafter referred to as “the Board”) are approved. A copy of the membership balance plan is attached.

The Department’s Advisory Committee Management Officer (ACMO), pursuant to 41 CFR §§ 102-3.60(b) (3) and 102-3.70, shall file the membership balance plan and the charter with the General Services Administration. In addition, the ACMO shall announce the Department of Defense’s (DoD) decision to renew the Board’s charter in the Federal Register and file copies of the Board’s charter with the Library of Congress and the congressional oversight committees. In the interim, the Board may continue to meet and deliberate, as required.

As part of the charter renewal process, this office, in consultation with the Department of Defense Office of General Counsel (DoD OGC), reviewed the membership designation for the Board. The Department reaffirms its position that no member of the Board who has been approved by the Secretary of Defense shall be appointed as a representative member. Instead all members of the Board, once approved by the Secretary of Defense, shall be appointed as special government or regular government employee members, as appropriate.

Individual members approved for appointment or renewal by the Secretary of Defense who are not full-time or permanent part-time federal officers or employees shall be appointed as experts and consultants under the authority of 5 U.S.C. § 3109 and serve as special government employee members. Those individuals approved for appointment or renewal of appointment by the Secretary who are full-time or permanent part-time federal officers or employees shall be appointed as regular government employee members.

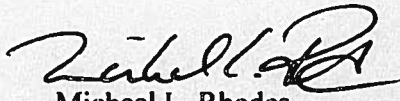
Each member shall be notified in writing of the Secretary of Defense’s approval decision. In preparing your appointment or renewal of appointment letters, the Board’s Designated Federal Officer (DFO) should consult the ACMO and DoD OGC, to include the Standards of Conduct Office. As a minimum, the letters shall contain the following:

- (a) That their appointment to serve on the Board is without compensation, with the exception of travel and per diem.
- (b) That they are appointed as special government or regular government employee members, as appropriate.
- (c) An explanation of the difference between special government employee and representative members, and a summary of the applicable ethics requirements, to include whether they are required to file a Confidential Financial Disclosure Report.

As the Board's DoD Sponsor, you are responsible for:

- (a) Ensuring that the Board's DFO attends all Board and subcommittee meetings.
- (b) Ensuring that the DFO and the Board fully comply with all appropriate federal statutes and regulations, to include DoD Instruction 5105.04.
- (c) Ensuring that all Board and subcommittee work is based upon written tasks assigned to the Board by the Secretary of Defense, the Deputy Secretary of Defense or you, as the sponsor. All tasks, as a minimum, shall include:
  - i. A description of the problem or policy to be analyzed and the DoD decision maker for the matter(s) under consideration.
  - ii. Authority for the Board members to have access to DoD officials and DoD data that is pertinent to the matter(s) under consideration.
  - iii. A budget limitation under which the Board members must operate.
  - iv. A date by which the Board or subcommittee must submit its written conclusions (advice and recommendations) to the DoD decision maker.
- (d) Providing adequate support to the Board and its membership.
- (e) Ensuring that the board members are appointed according to DoD policy, and that they do not serve on the Board until all personnel and ethics paperwork is processed by the appropriate offices.
- (f) Ensuring that the Board's membership is not unduly or inappropriately influenced by federal employees or any special interest.
- (g) Monitoring the implementation status of any recommendation adopted by the DoD or the Congress, and ensuring that this information is available for future inquiries.

If you should have any questions about the Department's program, the federal governance and compliance requirements, the charter renewal or the membership balance plan, please contact the Department's ACMO, Mr. Frank Wilson, [Frank.Wilson@osd.mil](mailto:Frank.Wilson@osd.mil), 703-692-5950, or Mr. Jim Freeman, [James.Freeman@osd.mil](mailto:James.Freeman@osd.mil), 703-692-5952.

  
Michael L. Rhodes  
Director

Attachment:  
As stated